

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,
October 2, 1935.

The Senate at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Will M. Martin.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
DeBerry.	Shivers.
Hili.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Oneal.
Moore.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Holbrook.

Committee Reports.

(See Appendix.)

Minutes of Committee Meeting.

(See Appendix.)

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Oct. 2, 1935.

Hon. Will M. Martin, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following bills and resolutions:

H. C. R. No. 6, "Granting Mrs. Beular McFarland and husband, V. C. McFarland, and A. D. Baker and wife permission to sue the State of Texas and/or the State Highway Department of Texas for personal damages.

H. C. R. No. 7, Granting Willie N. Gotcher permission to sue the State of Texas and/or the State Highway Department for personal injuries.

H. C. R. No. 8, Instructing the board of directors of the Agricultural and Mechanical College to receive grants of money made by an Act of Congress.

H. B. No. 48, A bill to be entitled "An Act to add a new section to be known as Section 16a to, and to amend Section 1 and 7 of, Senate Bill No. 43, Chapter 17, of the General and Special Laws passed by the Second Called Session of the Forty-third Legislature of the State of Texas, which Act relates to the issuance of bonds, notes, or warrants payable from revenues other than taxation, for the construction, maintenance, and operation of certain improvements in certain cities, and authorizes such cities to borrow money from the United States Government or other Federal Agencies, or from any person, firm or corporation, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Oct. 2, 1935.

Hon. Will M. Martin, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 15, A bill to be entitled "An Act amending Subdivision 18 of Article 1302, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act authorizing commissioners' courts in counties having a population of not less than 125,000 inhabitants and not more than 175,000 inhabitants, and containing a city of not less than 90,000 inhabitants, according to the last preceding Federal census, to levy a direct tax of not

more than five cents on the one hundred dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a board of county development devoted to the growth, advertisement and development of such counties and their county seats; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Suspend Regular Order.

Senator Woodruff moved to dispense with the regular order of business and proceed with the administration of the oath of office to the newly elected Senator from the Thirtieth District.

Point of Order.

Senator Holbrook raised the point of order that the Senator-elect is ineligible to take his seat in the Senate under Section 19 of Article 3 of the Constitution.

Senator Pace moved to now seat the newly elected Senator from Tahoka.

Senator Small moved as a substitute motion for the motion by Senator Pace that Senator Holbrook's point of order be referred to the Committee on Privileges and Elections, to be reported back to the Senate for final action.

Motion pending.

Senator Hornsby asked unanimous consent to allow the newly elected Senator to address the Senate in his own behalf.

There was objection.

Senator Shivers moved that the newly elected Senator be seated.

Senator Cotten asked unanimous consent to go on record as being in favor of seating the newly elected Senator from the Thirtieth District.

Point of Order.

Senator Woodruff called for a ruling on the point of order raised by Senator Holbrook.

The Chair, President Pro Tem. Will M. Martin, presiding, overruled the point of order.

Senator Holbrook appealed from the ruling of the Chair.

President Pro Tem. Will M. Martin, yielded the Chair to Senator Rawlings.

Senator Rawlings, presiding, stated that the question was "Shall the Chair be sustained in his ruling?"

The Chair was sustained, as shown by the following vote:

Yeas—22.

Beck.	Pace.
Blackert.	Rawlings.
Burns.	Redditt.
Collie.	Regan.
Cotten.	Sanderford.
Davis.	Shivers.
DeBerry.	Stone.
Hill.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.

Nays—3.

Holbrook.	Small.
Poage.	

Present—Not Voting.

Martin.

Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Oneal.

Senator Van Zandt asked unanimous consent to have printed in the Journal the telegram from the Attorney General.

Unanimous consent was granted.

(Telegram.)

September 17, 1935.

Hon. E. L. Pitts,
County Judge,
Lubbock, Texas.

In view of fact that Section 8 of Article 3 of our Constitution makes the Senate the proper forum to pass upon the qualifications and elections of its own members the question in your telegram of September 12 submitted as to whether or not the district attorney would be eligible as a candidate in election to fill vacancy for State Senator under Article 3 of Section 19 can only be passed upon by the Senate and is not a proper question to be passed upon by this department Stop Therefore you

are advised that district attorney would be entitled to have his name placed on ballot as candidate for the office of State Senator. Stop. Any former opinions addressed to you to the contrary are withdrawn.

WILLIAM McCRAW,
Attorney General of Texas.

Official Day Letter

Paid

Chge

Attorney General's Department

Oath of Office.

The Chair appointed Senators Beck, Neal and Rawlings to escort the newly elected Senator from the Thirtieth District to the platform.

President Pro Tem. Will M. Martin administered the oath of office and presented the new member, Senator G. H. Nelson, who addressed the Senate.

Senate Bill No. 39.

By Senator Hornsby:

S. B. No. 39, A bill to be entitled "An Act fixing the compensation of district attorneys in certain judicial districts in counties containing a population of not less than 77,777 and not more than 100,000 inhabitants, as shown by the last preceding Federal census, which such counties comprise within themselves two or more judicial districts; providing that this Act shall not deprive such district attorneys of their expense allowances; providing for the disposition of fees, commissions and perquisites earned and collected by such district attorneys; providing that nothing in this Act shall effect the laws now in existence with reference to assistant district attorneys, investigators and stenographers in such districts; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 40.

By Senator Westerfeld:

S. B. No. 40, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts refunding to the heirs, devisees, legatees or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to

such escheated estates as have been paid into the Public Treasury; authorizing the payment of such claims on the taking effect of this Act and the filing with the Comptroller of such a copy of the order of the court under seal of the court, and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 41.

By Senators Beck and Pace:

S. B. No. 41, A bill to be entitled "An Act to amend Section 5, Chapter 186, Acts Thirty-ninth Legislature, Regular Session, 1925, so as to permit the State Highway Department, in conjunction with the Bureau of Public Roads, to expend upon roads not a part of the system of State highways, funds specifically appropriated for expenditure on such roads under the National Industrial Recovery Act, passed by Seventy-third Congress, June 16, 1933, Act of Congress, June 18, 1934 (H. R. 8781), and Emergency Relief Appropriation Act, passed by Seventy-fourth Congress on April 8, 1935; to permit such funds to be supplemented for certain purposes from the State Highway Fund; suspending all laws or parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 42.

By Senators Beck and Pace:

S. B. No. 42, A bill to be entitled "An Act to amend Article 6672, Chapter 1, Title 116, of the Revised Statutes of Texas, 1925, so as to permit the State Highway Department to expend upon roads not a part of the system of State highways, funds specifically appropriated for expenditure upon such roads under the National Industrial Recovery Act, passed by Seventy-third Congress, June 16, 1933, Act of Seventy-third Congress, June 18, 1934 (H. R. 8781), and Emergency Relief Appropriation Act, passed by Seventy-fourth Congress, April 8, 1935; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Resolution No. 12.

Senator Holbrook sent up S. R. No. 12, memorializing Edward J.

Hussion, and the names of all the Senators were added.

Adopted by a rising vote.

Senate Resolution No. 13.

Senator Woodruff sent up the following resolution:

Whereas, The Hon. Arthur P. Duggan, Jr., attorney at the Austin bar, son of the late distinguished Senator Arthur P. Duggan, Sr., of Thirtieth District, is in the Capitol building; therefore, be it

Resolved, that he be invited to address the Senate and be extended the privilege of the Senate floor.

WOODRUFF.

Read and adopted unanimously.

The Chair appointed Senators Woodruff, Nelson and Burns to escort Hon. Arthur P. Duggan, Jr., to the platform.

Senator Woodruff presented the visitor, and he addressed the Senate briefly.

H. C. R. No. 8.

The Chair laid before the Senate on its first reading the following resolution:

H. C. R. No. 8, Instructing the Board of Directors of the Agricultural and Mechanical College to receive grants of money made by an Act of Congress.

Senator Stone asked unanimous consent to suspend the rule requiring resolutions to be referred to a committee and to take up H. C. R. No. 8 at this time.

Unanimous consent was granted.

H. C. R. No. 8 was adopted by viva vice vote.

Bills and Resolution Signed.

The Chair, President Pro Tem. Will M. Martin, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

S. B. No. 18.

S. B. No. 15.

H. C. R. No. 4.

Bills Referred.

H. C. R. No. 6 was referred to the Committee on Highways and Motor Traffic.

H. C. R. No. 7 was referred to Committee on Highways and Motor Traffic.

House Bill No. 36.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 36, A bill to be entitled "An Act to permit the Bradfish Grain Company and the member or members composing the same to sue the State of Texas and the State Highway Department of Texas for damages alleged to have been done and to have accrued to the property of said company, which is used for conducting a grain business in the city of Weatherford, said property being used in conducting a feed and grain business and located on the north side and adjoining Fort Worth Street and State Highway No. One (1); etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 36 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
DeBerry.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Oneal.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Cotten.
Blackert.	Davis.
Burns.	Hill.
Collie.	Holbrook.

Hornsby.	Regan.
Isbell.	Sanderford.
Martin.	Shivers.
Neal.	Small.
Nelson.	Stone.
Pace.	Sulak.
Poage.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Woodruff.

Present—Not Voting. .

DeBerry.

Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Oneal.

Senate Bill No. 17.

Senator Holbrook was recognized to call up S. B. No. 17.

Senator Holbrook yielded to Senator Burns to take up S. C. R. No. 2 which was first on the Calendar.

S. C. R. No. 2.

The Chair laid before the Senate the following resolution:

S. C. R. No. 2, A concurrent resolution to be entitled "Resolution granting Miss Hattie Ray Watson permission to bring suit against the State of Texas and State Highway Commission."

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

Senator Burns moved the adoption of S. C. R. No. 2.

S. C. R. No. 2 was adopted unanimously.

Senate Bill No. 17.

Senator Holbrook called up S. B. No. 17 which had been laid on the table subject to call.

The Chair laid before the Senate S. B. No. 17.

By Senators Holbrook and Woodruff:

S. B. No. 17, A bill to be entitled "An Act repealing Article 7319, Acts 1927, Fortieth Legislature, page 25, Chapter 20, Section 1, as amended by Acts 1927, Fortieth Legislature, First Called Session, page 195, Chapter 69, Section 1, Acts of 1927, Fortieth Legislature, First Called Session, page 195, Chapter 70, Section 1, and Acts of 1933, Forty-third

Legislature, First Called Session, page 271, Chapter 98, amending Article 7320, Revised Civil Statutes 1925, Chapter 10, providing a lien for taxes which have become delinquent since December 31, 1919, etc., and declaring an emergency."

Motion to Defer Action.

Senator Rawlings moved to defer action on S. B. No. 17 until Monday morning, October 7th.

Motion pending.

The Chair informed Senator Rawlings that the time for discussion of the motion had expired.

Senator Burns asked unanimous consent that Senator Rawlings' time be extended 30 minutes.

There was objection.

Senator Burns moved that Senator Rawlings' time be extended 30 minutes.

Senator Woodruff moved as a substitute that Senator Rawlings' time be extended ten minutes.

The substitute motion lost by the following vote:

Yeas—11.

Beck.	Martin.
Blackert.	Nelson.
Collie.	Pace.
Davis.	Van Zandt.
Holbrook.	Woodruff.
Hornsby.	

Nays—15.

Burns.	Redditt.
Cotten.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Isbell.	Stone.
Neal.	Sulak.
Poage.	Westerfeld.
Rawlings.	

Absent—Excused.

Fellbaum.	Oneal.
Hopkins.	Small.
Moore.	

The question recurred on the motion by Senator Burns.

The motion prevailed by the following vote:

Yeas—21.

Beck.	Davis.
Burns.	DeBerry.
Collie.	Hill.
Cotten.	Isbell.

Neal.	Shivers.
Pace.	Stone.
Poage.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.
Regan.	Woodruff.
Sanderford.	

Nays—5.

Blackert.	Martin.
Holbrook.	Nelson.
Hornsby.	

Absent—Excused.

Fellbaum.	Oneal.
Hopkins.	Small.
Moore.	

Senator Redditt requested Senator Rawlings to yield to allow him to call up S. B. No. 24.

Senator Holbrook objected.

Motion to Recess.

Senator Rawlings yielded to Senator Van Zandt with the understanding that he would not lose the floor.

Motion to Recess.

Senator Van Zandt at 11:50 o'clock a. m. moved that the Senate recess until 10:00 o'clock a. m. Thursday.

Motion pending.

Appointment to Committees.

The Chair announced the appointment of Senator Nelson to all committees of which the late Senator Duggan had been a member, and to be member of the Committee on Educational Affairs.

Senator Pace asked unanimous consent of the Senate that Senator Nelson be appointed as a member of the Committee on State Affairs.

Point of Order.

Senator Van Zandt raised the point of order that there was no vacancy on that committee therefore the Chair could make no appointment.

The Chair overruled the point of order.

The Chair appointed Senator Nelson to be a member of the Committee on State Affairs.

Senator Hill sought recognition on the point of personal privilege.

Senator Van Zandt called for a vote on his motion to recess.

The motion lost by the following vote:

Yeas—6.

Beck.	Sanderford.
Davis.	Van Zandt.
Rawlings.	Westerfeld.

Nays—18.

Blackert.	Neal.
Burns.	Nelson.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Oneal.
Hopkins.	Regan.
Isbell.	Shivers.
Moore.	

Senate Bill No. 43.

By Senator Woodruff:

S. B. No. 43, A bill to be entitled "An Act appropriating Fifteen Thousand (\$15,000.00) Dollars for the construction and equipment of co-operative cottage dormitories on the campus of the Texas State College for Women, at Denton, Texas, and declaring an emergency."

Read and referred to the Committee on Finance.

Point of Personal Privilege.

The Chair recognized Senator Hill to speak on a point of personal privilege.

Senator Holbrook objected.

Senator Rawlings had the floor on discussion of his motion.

Point of Order.

Senator Hornsby raised the point of order that Senator Rawlings had consumed 20 minutes of 30 minutes allowed by yielding to members.

Appointment Withdrawn.

The Chair stated at this time that he would withdraw Senator Nelson's appointment to the State Affairs Committee, and stated that under the rules a resolution would have to be sent up and adopted by a two-thirds vote of the Senate.

Senate Bill No. 17.

The Chair informed Senator Rawlings that his time had expired.

Senator Holbrook was recognized to speak on the pending motion.

The Chair informed Senator Holbrook that he had one minute remaining to discuss the motion.

Senator Blackert asked unanimous consent that Senator Holbrook's time be extended for 15 minutes.

Senator Van Zandt objected.

Time Extended.

Senator Blackert moved to extend Senator Holbrook's time 15 minutes.

The motion prevailed by the following vote:

Yeas—25.

Beck.	Nelson.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Nays—2.

Sanderford. Van Zandt.

Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Oneal.

Motion to Table.

Senator Holbrook moved to table the pending motion by Senator Rawlings.

Motion pending.

Recess.

Senator Collie, at 12:30 o'clock p. m., moved that the Senate recess until 2:00 o'clock p. m. today.

Senator DeBerry moved that the Senate recess until 10:00 o'clock a. m. Thursday.

The motion by Senator DeBerry prevailed by viva voce vote.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,
Austin, Texas, Oct. 2, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 29 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 30 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 2, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 2 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Oct. 2, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 15 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 2, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 18 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman.

Minutes of Committee Meetings.

Minutes of Senate Finance Committee
Held September 30, 1935.

Regular Meeting.

Present: Redditt, Beck, Burns, Hill, Hornsby, Isbell, Martin, Neal,

Poage, Rawlings, Regan, Sanderford,
Stone, Sulak, Van Zandt, Woodruff.

Absent-excused: Holbrook, Hop-
kins, Oneal, Small.

S. B. No. 38, reported favorably,
with committee amendments.

S. B. No. 36, reported favorably.

S. B. No. 34, reported favorably.

H. C. R. No. 4, reported favorably,
with committee amendment, and be
not printed.

REDDITT, Chairman.

Recessed.

In Memory
of
Edward J. Hussion

Senate Resolution No. 12.

By Senators Holbrook, Sanderford, Martin:

Whereas, The Senate of Texas has learned with profound regret of the passing of Edward J. Hussion, of Houston, Texas, at Long Beach, California, this morning.

Mr. Hussion was born in Galveston sixty years ago and during the past thirty-two years of his life has resided in Houston. Since youth he has been engaged in the printing business and at the time of his death was head of the Standard Printing Company of Houston, Texas. He was a life-long Democrat, militant of nature and aggressive in support of the fundamental principles of that party. He never sought public office but always took a positive and active stand on questions of political nature, which in his judgment would promote the welfare of his native State. He was for many years a member of the State Democratic Committee and served as secretary of that committee. He was a member of the first Relief Board appointed in Texas and to that work he devoted his best energies.

A faithful son, a devoted husband, kind father and faithful friend has gone to join the innumerable hosts who worked with him in an earlier day to make Texas great.

Therefore, Be it Resolved by the Senate of the State of Texas, That a copy of this expression of our sympathy be mailed to each member of his family; that it be printed in the Senate Journal as a testimonial to his memory, and that when the Senate adjourns for the day it do so in his honor.

The names of all the Senators were added by unanimous consent.

BECK,
BLACKERT,
BURNS,
COLLIE,
COTTEN,
DAVIS,
DeBERRY,
FELLBAUM,
HILL,
HOPKINS,

HORNSBY,
ISBELL,
MOORE,
NEAL,
NELSON,
ONEAL,
PACE,
POAGE,
RAWLINGS,
REDDITT,

REGAN,
SHIVERS,
SMALL,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF.

Adopted by a rising vote.